

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNIFER A. CAVASOS,)	
Plaintiff,)	
)	No. 1:14-cv-104
-v-)	
)	HONORABLE PAUL L. MALONEY
COMMISSIONER OF SOCIAL SECURITY,)	
Defendant.)	
_____)	

OPINION AND ORDER

**Overruling the Plaintiff's Objections;
Adopting the R&R;
Awarding Attorney's Fees;
Terminating and Closing the Case**

The matter before the Court is Magistrate Judge Scoville's Report and Recommendation in this matter (ECF No. 20). Plaintiff has filed Objections (ECF No. 21). When a party has objected to portions of the Magistrate Judge's recommendation, "[t]he district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." FED. R. CIV. P. 72(b)(3). Here, de novo review requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981). But only specific objections are entitled to a de novo review. *See Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986).

The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the Report and Recommendation itself; the Plaintiff's Objections; and the Defendant's Response. After its review, the Court finds Magistrate Judge Scoville's Report and Recommendation to be factually sound and legally correct. In her objections, Plaintiff's counsel introduces data from the

State Bar of Michigan's Economics of Law Practice survey and cites to decisions in similar cases in this district adopting rates higher than the statutory cap. The Court concludes, however, that the Magistrate Judge committed neither legal nor factual error in determining that Plaintiff's counsel failed to carry the burden of showing entitlement to a rate higher than the statutory maximum rate which is still customarily awarded in the solid majority of Social Security appeals in this district.

ACCORDINGLY, IT IS ORDERED THAT:

The Plaintiff's objections (ECF No. 21) are **OVERRULED**;

The R&R (ECF No. 20) is **APPROVED AND ADOPTED** as the opinion of the Court;

The Plaintiff's application for an award of attorney's fees (ECF No. 17) is **GRANTED in part and DENIED in part**;

The Defendant **SHALL PAY** to Plaintiff's counsel the sum of \$2,462.50 (two thousand four hundred and sixty-two dollars and fifty cents).

THIS ACTION IS TERMINATED.

IT IS SO ORDERED.

Date: September 23, 2014

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge